

## **PROTOCOL FOR THE RESPECTIVE ROLES OF MEMBERS AND OFFICERS IN DECISION MAKING**

### **1.0 INTRODUCTION**

1.1 The Council has adopted executive arrangements described in the Council's Constitution. An Officer Delegation Scheme confers on Directors extensive powers to carry out the authority's functions.

### **2.0 GENERAL ROLES AND RESPONSIBILITIES OF MEMBERS AND OFFICERS**

2.1 The effect of these arrangements is that Members set policy priorities and strategies to reflect local interests and needs and are also responsible for allocating funding between individual priority areas. Directors and their staff implement these strategies and policies by delivering services and major initiatives. It is officers therefore, who have responsibility for managing the Council's day to day operations, within a policy and budgetary framework laid down by Members.

2.2 Under the executive arrangements, full Council and the Executive have specific functions and these can be delegated to Committees or officers.

#### Committees

The authority has made arrangements to discharge both Council and executive functions through committees. Terms of Reference as set out in Part 3, Section 2 and 3 of the Constitution establish the areas of decision making which fall to committees either in relation to Council functions or executive functions. Terms of Reference are also in place for Scrutiny Boards. Whilst Scrutiny Boards themselves do not have decision making powers, they can make recommendations to the Council and the Executive. These bodies can also refer matters to Scrutiny Boards.

The functions delegated to officers by Council and the Executive respectively are set out in Part 3 of the Constitution.

Council functions are set out in Section 2 of Part 3 of the Constitution. Functions are delegated to the Director on the following basis:-

- a Director may consider that s/he should not exercise the delegated authority and that it should be referred to the appropriate Council Committee for consideration
- the delegating body may determine to reserve decisions about particular matters to itself

Executive functions are delegated to individual Directors as detailed in the Officer Delegation Scheme (executive functions) set out in Part 3 Section 3D of this Constitution. Functions are delegated on the following basis:-

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- a Director may consider that a delegated authority should not be exercised and that it should be referred to the Executive for consideration
- the appropriate Executive Member may request that a Director refrains from exercising a delegated authority in respect of a particular matter and refer it instead to the Executive Board for a decision.
- the Executive may determine to reserve decisions about particular matters to themselves.

2.3 The rationale for these principles is to give effect to the proposition that local people need to know who takes decisions and who to hold to account. Legislation allows the Leader to arrange for an executive function to be discharged by an individual Executive Member: however, to date the Leader has not done so.

2.4 In addition to the delegations referred to above, delegating bodies may arrange for any of their functions to be discharged by an identified officer, on a particular matter.

### **3.0 EXECUTIVE MEMBERS**

3.1 Individual Executive Members could be authorised by the Leader to take executive decisions. However, until the Leader has determined that such authority should be given to individual Executive Members, the position remains that individual Executive Members<sup>1</sup> cannot take executive decisions. Executive Member's responsibilities are set out in their respective Member's Portfolio<sup>2</sup>.

3.2 The role of an Executive Member is to promote and co-ordinate the Council's activities which contribute towards achieving the City Priority Plan objectives within their respective portfolio. These duties and responsibilities are exercised with a view either to appropriate recommendations being brought to the Executive, or alternatively, an Executive Member may offer his/her views or advice to an officer, who may take the decision.

3.3 Deputy Executive Members and Support Executive Members are appointed, whose roles are to assist Executive Members with specific aspects of their portfolio by carrying out policy development work. The Executive Member may identify time-limited tasks for Deputy or Support Executive Members for which the Executive Member will draw up a specific brief in consultation with other Executive Members as appropriate. As a minimum, the brief should contain the following:

- title
- purpose (including how the task ties in with the City Priority Plans)
- scope
- resources required (including those required from a directorate which will need to be agreed with the appropriate Director)
- contacts

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<sup>1</sup> Other than the Leader

<sup>2</sup> See Part 3 - Section 3B(a) Executive Member Portfolios and also Section 3B(b) Executive Members' overview of roles and responsibilities.

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- timetable including key milestones
- completion date
- output required
- evaluation process

The briefs will be published to all parties likely to be involved in the task including the appropriate officers within whose remit the scope of the brief falls. A copy of the brief will also be sent to the Monitoring Officer for record and distribution purposes. The publication of briefs to parties likely to be involved in the task, both internal and external to the Council, will assist in clarifying the Deputy Executive Member's role when pursuing the brief.

- 3.4 An appropriate Executive Member may direct an officer on a particular matter that his/her delegated authority under the Officer Delegation Scheme should not be exercised, and that it should be referred to the Executive Board for consideration.
- 3.5 Where an officer considers it appropriate to do so, he/she should consult the appropriate Executive Member before exercising his/her delegated authority under the Officer Delegation Scheme. In completing a Delegated Decision Notification, the officer will record the fact that the Executive Member has been consulted.
- 3.6 An Executive Member may be required to attend a hearing of a Scrutiny Board on matters within their portfolio<sup>3</sup>.

### **4.0 DEPUTY AND SUPPORT EXECUTIVE MEMBERS**

- 4.1 Deputy Executive Members are assigned to assist a specific Executive Member in relation to the functions identified in Section 3B(c) of Part 3 of the Constitution. This may be by discharging any of the roles and responsibilities of a Support Executive Member or otherwise<sup>4</sup>. Support Executive Members are appointed to assist Executive Members with specific aspects of their portfolio by carrying out policy development work. Their role and responsibilities are:
1. To commission research in order to provide the Executive Member with timely and accurate information
  2. To provide, where requested, regular reports and updates to the Executive Member and advise on policy decisions
  3. To monitor the performance of services within their remit
  4. To deputise for the Executive Member at meetings<sup>5</sup>
  5. To act as spokesperson or representative for an Executive Member where required
  6. To consult with interested parties, ward councillors and citizens as part of the development and review of policy
  7. To act as an advocate for the Council within the authority and outside.
  8. To brief the Political Group

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<sup>3</sup> Scrutiny Board Procedure Rules

<sup>4</sup> This excludes deputising at Executive Board meetings (see Executive and Decision Making Procedure Rules).

<sup>5</sup> This excludes deputising at Executive Board meetings (see Executive and Decision Making Procedure Rules).

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- 4.2 An Executive Member may assign a time limited task to a Deputy or Support Executive Member, and should provide them with a specific brief for the task. The brief will include the names of persons, organisations etc with whom the Deputy or Support Executive Member is likely to liaise to progress the requirements of the brief. The Deputy or Support Executive Member should give prior notice of the brief, its scope and purpose to any persons etc that they may wish to contact in connection with progressing the work required by the brief. If the Deputy or Support Executive Member wishes to extend any aspect of the brief this will require prior approval of the appropriate Executive Member.
- 4.3 Deputy and Support Executive Members will report to the appropriate Executive Member in respect of progress in carrying out Deputy Executive Member duties.
- 4.4 Where an officer considers it appropriate to do so, he/she may consult a Deputy or Support Executive Member before exercising his/her delegated authority, in which case the fact that the consultation has taken place should be recorded on the officer's Delegated Decision Notification. However, a Deputy Executive Member him/herself is not authorised to require that a delegation be not exercised.

### **5.0 OFFICERS**

- 5.1 Officers have delegated authority to discharge the authority's functions within the area remitted to them in the Section 2C, Part 3 of the Constitution in relation to Council functions and as set out Section 3E of Part 3 for executive functions. In exercising a discretion remitted to him/her, an officer must consider whether the decision conforms to the Council's Budget and Policy Framework approved policies and whether s/he has observed approved practices and procedures including those in relation to community consultation. Article 13 distinguishes between Key and Significant Operational Executive Decisions which need to be formally recorded, and Administrative Decisions which do not require formal recording. Before taking an Executive Decision officers should ensure, where appropriate, consultation with an Executive Member in relation to an executive function. The fact that such consultation has taken place is recorded on the Delegated Decision Notification. Following any consultation with an Executive Member or any other consultees, the officer is required to make his/her own decision and is responsible for that decision.
- 5.2 As stated in para 3.4 above, an appropriate Executive Member may direct an officer not to exercise his/her delegated authority on a particular matter and to refer the matter to the Executive for decision.
- 5.3 Further, the officer him/himself may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred to the Executive.
- 5.4 A Director may make arrangements to sub-delegate their authority to another officer of suitable seniority and experience and any such arrangements are recorded in their sub delegation scheme. However, the officer remains responsible for any decisions made under such arrangements.

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- 5.5 The fact that a function stands delegated to an officer under Part 3 or the Officer Delegation Scheme does not preclude the Council or the Executive from exercising the function directly. Similarly, where a committee has resolved to delegate a function to an officer, it shall remain open to the committee to discharge the function itself.
- 5.6 An officer may be required to respond in writing to a query from or attend a hearing of a Scrutiny Board on decisions they have taken or issues within their area of responsibility.
- 5.7 In addition to the above, officers have responsibility to manage their directorates in accordance with Council policies, procedures and initiatives. For the avoidance of doubt, whilst Executive Members are responsible for setting targets and securing that officer performance in relation to the pursuance of policies and strategies within their portfolio is appropriately monitored, any executive decisions on these or other matters can only be taken by the Executive or an officer.

### **6.0 SUPPORT FOR EXECUTIVE AND DEPUTY EXECUTIVE MEMBERS**

Executive, Deputy and Support Executive Members are provided with dedicated administrative and clerical support to assist them in carrying out their responsibilities. Additional support required from other staff either generally or on particular matters will be agreed beforehand with the appropriate Director(s) and in the case of any dispute, will be determined by the Chief Executive.

### **7.0 ACCESS TO INFORMATION FOR EXECUTIVE, DEPUTY EXECUTIVE MEMBERS AND SUPPORT EXECUTIVE MEMBERS**

In addition to the access to information provisions set out in Access to Information Procedure Rules, Executive, Deputy and Support Executive Members are presumed to have a prima facie “need to know” in relation to information they require to carry out their duties within their respective portfolios. However, if a Member is refused access to information which s/he considers necessary to fulfil their duties then the matter will be referred to the Monitoring Officer.